

DRAFT 1 –Alternatives analysis done first and before section 270 is initiated.

9 VAC 25-260-275. Protection of Aquaculture in Eastern Shore Tidal Waters

To protect water quality for aquaculture of clams or oysters, Virginia Pollutant Discharge Elimination System (VPDES) applications for new or expanded discharges to tidal waters identified in this section that would result in condemnation by the State Department of Health of shellfish beds shall contain an analysis of wastewater management alternatives. This analysis of alternatives, to include the alternative of discharge to surface water covered under VPDES, shall address the feasibility, the environmental, social and economic impacts to beneficial uses and to the locality and its citizens resulting from each management alternative, and opportunities to mitigate any adverse impacts.

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After review of the alternatives analysis, if the board tentatively determines that a VPDES discharge to tidal waters is feasible, produces the least environmental impact and does not result in significant social and economic impacts to beneficial uses and to the locality and its citizens, that component of the application shall be deemed complete. Completed VPDES applications shall be processed according to 9 VAC 25-31 (VPDES Permit Regulation). If the Board tentatively determines that an alternative to a VPDES discharge to tidal waters is feasible, produces less of an environmental impact and does not result in significant social and economic impacts to beneficial uses and to the locality and its citizens, then the VPDES application is deemed incomplete while the applicant makes a good faith effort to obtain approval from the appropriate regulatory authority for the alternative. Only if the alternative form of wastewater management is disapproved by the appropriate regulatory authority shall this component of the VPDES application be deemed complete. Completed VPDES applications shall be processed according to 9 VAC 25-31 (VPDES Permit Regulation).

Permits covered under 9 VAC 25-110 VPDES general permit for domestic sewage discharges less than or equal to 1,000 gallons per day are exempt from the requirements of this section.

Notwithstanding the requirements of this section, the requirements of 9 VAC 25-260-270 apply to any VPDES application to discharge.